

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VIESTE, LLC, ET AL.,

No. C-09-04024 JSW (DMR)

Plaintiffs,

**ORDER DENYING PLAINTIFFS'  
MOTION FOR LEAVE TO FILE A  
MOTION FOR PARTIAL  
RECONSIDERATION**

v.

HILL REDWOOD DEVELOPMENT, ET AL.,

Defendants.

The Court is in receipt of Plaintiffs' motion for leave to file a motion for partial reconsideration of the Court's June 6, 2011 order on Plaintiffs' motion for sanctions pursuant to Civil Local Rule 7-9. [Docket No. 351.]

However, Civil Local Rule 7-9 does not appear to apply to motions for reconsideration of a Magistrate Judge's order. *See* N.D. Cal. Civ. L.R. 7-9(a) cmt. Instead, procedures governing review of a pretrial order by a Magistrate Judge on non-dispositive matters are governed by 28 U.S.C. § 636(b)(1)(A) ("[a] judge may reconsider any pretrial matter . . . where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law") and Federal Rule of Civil Procedure 72(a) (providing that any objections to a magistrate judge's order on a non-dispositive matter must be served and filed within 14 days of service of the order). *See also* N.D. Cal. Civ. L.R. 72. "A party may not assign as error a defect in the order not timely objected to." Fed. R. Civ. P. 72(a).

Further, a motion for reconsideration may only be made on one of three grounds: (1) a material difference in fact or law exists from that which was presented to the Court, which, in the exercise of reasonable diligence, the party applying for reconsideration did not know at the time of the order; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the Court to consider material facts or dispositive legal arguments presented before entry of the order. Civ. L.R. 7-9(b)(1)-(3). None of those grounds are met here. Accordingly, Plaintiffs' motion for leave to file a motion for partial reconsideration is DENIED.

IT IS SO ORDERED.

Dated: July 1, 2011

